

12-20-99

Patent
247/062



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 247/062
First Named Inventor: Tsugita
Prior Application Information:
Serial No. 09/387,634
Examiner: To be Assigned
Art Unit: 3763

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(b)



This is a request for filing for a

continuation divisional continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/387,634 filed on August 31, 1999, by

Ross S. Tsugita and Tracy D. Maahs, entitled:

BALLOON OCCLUSION DEVICE AND METHODS OF USE

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION ELEMENTS ENCLOSED

38 Page(s) of Written Description
04 Page(s) of Claims
01 Page(s) of Abstract
20 Sheet(s) of Drawings formal informal
04 Page(s) of Declaration or Supplemental Declaration and Power of Attorney
 Copy from prior application [37 CFR §1.63(d)]
 Newly executed
02 Other: Copy of Verified Statement Small Entity Status - Small Business Concern

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL496952457US
Express Mail Label No.

December 17, 1999
Date of Deposit

Frances E. Thurson
Name of Person Mailing Paper

Frances E. Thurson
Signature of Person Mailing Paper

- Assignment papers (cover sheet and documents(s))
- An Information Disclosure Statement, PTO 1449, with copies of cited items.
- A Verified Statement to establish small entity under 37 CFR §§ 1.9 and 1.27: Is attached. Has been filed in the prior application and such status is still proper and desired. [37 CFR § 1.28(a)]

II. FEE CALCULATION

BASIC FILING FEE:						\$760.00
Total Claims	27	-	20	=	7	x \$18.00
Independent Claims	2	-	3	=	0	x \$78.00
Multiple Dependent Claims	\$260	(if applicable)				\$0.00
TOTAL OF ABOVE CALCULATIONS						\$886.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.						\$443.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
TOTAL FEES DUE HEREWITH						\$443.00

III. PRIORITY - 35 USC § 119

- Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
- The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- The certified copy will follow.

IV. RELATE BACK - 35 USC § 120

- Relate back information included in preliminary amendment or specification.
- Please amend the specification as follows:
[Enter continuing data here]
- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
 - the same.
 - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
[Name(s) of inventor(s) to be deleted]

V. FEE PAYMENT BEING MADE AT THIS TIME

- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]
- Attached.
 - Filing fees. -----
 - Recording assignment. [\$40.00 37 CFR § 1.21(h)(1)] -----
 - Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. [\$130.00; 37 CFR §§ 1.47 and 1.17(h)] -----
 - Petition fee to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently.) [\$130.00; 37 CFR §§ 1.103 and 1.17(i)] -----
 - For processing an application with a specification in a non-English language. [\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)] -----
 - Processing and retention fee. [\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)] -----

Total Fees Enclosed -----

VI. METHOD OF PAYMENT OF FEES

- Attached is a check in the amount of ____.
- Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \$443.00.

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. **12-2475** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.18 (Issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))
- 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on May 20, 1998 in prior application Serial No. 08/993,202 (copy attached).
- A new power has been executed and is attached.

Patent
247/062

Please send all correspondence to Customer Number 22249:



22249
PATENT TRADEMARK OFFICE

LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071

JC542 U.S. PTO
09/467293



12/17/99

Please direct all inquiries to John Kappos, at 949-567-2300.

Respectfully submitted,

LYON & LYON LLP

Dated: December 17, 1999

By: John Kappos
John Kappos
Reg. No. 37,861

Enclosures

EMBOL-X, INC.

Name of Assignee

645 Clyde Avenue, Mountain View, CA 94043-2213

Address of Assignee

Yue-Teh Yang, President and Chief Executive Officer

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on 02/27/98, Reel 9191, Frame 0484